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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,932	02/14/2002	Donald Spector	F.4021-115.1	2766

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EXAMINER	
HANNE, SARA M	
ART UNIT	**PAPER NUMBER**
2179	

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/075,932	SPECTOR, DONALD	
	Examiner	Art Unit	
	Sara M. Hanne	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment received on June 8, 2006.

2. Claims 1-11 are pending in this application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lockeridge et al., hereinafter Lockeridge, US Patent 6727906.

As in Claim 1 of the application, Lockeridge teaches a computer system and method comprising a computer provided with a video display terminal (Figure 10, ref. 1016), a printer coupled to the display terminal to print out on a sheet an image displayed on the terminal (Column 9, lines 11-12), means to feed into the computer a digital image of the picture or design to be converted (Column 2, lines 1-5), software associated with the computer to process the digital image to produce the line drawing which is displayed on the terminal and printed on the sheet (Column 9, lines 9-12) and further means for transferring the digital image to a substrate (printing includes transferring the digital image to a substrate) wherein after the line drawing is produced

on the printed sheet, either before or after transfer to the substrate, the user of the system can manually color in the zones on the substrate to re-create a colored picture or design (Column 9, lines 8-15).

As in Claim 2 of the application, Lockeridge teaches a collection of colored and non-colored picture and designs are digitally stored in software, the user selecting, for conversion, one of the pictures for preparation of a line drawing for transfer to a substrate (Column 4, line 6 et seq.).

As in Claim 3 of the application, Lockeridge teaches the line drawing is converted to a stencil whereby some of line drawing can be reproduced onto various substrate (Figure 9 and corresponding text).

As in Claim 5 of the application, Lockeridge teaches means to identify each zone with a symbol that indicates the color to be applied thereto (Column 8, lines 64-67).

As in Claim 6 of the application, Lockeridge teaches a color separator to separate the color regions of which the picture is composed into partial images having a Common color (Column 8, lines 35-37).

As in Claim 7 of the application, Lockeridge teaches the common color is an elementary color in the color spectrum or a color similar thereto (Column 3, lines 30-38).

As in Claim 8 of the application, Lockeridge teaches a line filter to delineate the separated color regions (Figures 8-9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lockeridge et al., US Patent 6727906, hereinafter Lockeridge.

It appears that the substrate "paper" is inherently included in Lockeridge et al. teaching of the "printer" (Column 9, lines 8-14) because printers commonly output on a substrate of paper. Even if it is not, the limitation "paper" is well known. One of ordinary skill in the art would have been to motivated to make such a combination because a physical outputted product for user manipulation, ie. a user-designed coloring book, would have been obtained.

7. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockeridge et al., US Patent 6727906, hereinafter Lockeridge, and in further view of Hare, US Patent 4980224.

As in Claim 9 of the application, Lockeridge teaches a computer system and method comprising a computer provided with a video display terminal (Figure 10, ref. 1016), a printer coupled to the display terminal to print out on a sheet an image displayed on the terminal (Column 9, lines 11-12), means to feed into the computer a digital image of the picture or design to be converted (Column 2, lines 1-5), software

associated with the computer to process the digital image to produce the line drawing which is displayed on the terminal and printed on the sheet (Column 9, lines 9-12) and further means for transferring the digital image to a substrate (printing includes transferring the digital image to a substrate) wherein after the line drawing is produced on the printed sheet, either before or after transfer to the substrate, the user of the system can manually color in the zones on the substrate to re-create a colored picture or design (Column 9, lines 8-15). While Lockeridge teaches producing a digital line drawing from a digital image fed into the system and printing the line drawing displayed on the terminal onto a substrate, they fail to show the transfer of an already printed line drawing to another substrate as recited in the claims. In the same field of the invention, Hare teaches a line drawing creation system similar to that of Lockeridge In addition, Hare further teaches printing the image displayed onscreen and transferring the printed image to a substrate (Col. 2, lines 27 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Lockeridge and Hare before him at the time the invention was made, to modify the producing a digital line drawing from a digital image fed into the system and printing the line drawing displayed on the terminal onto a substrate taught by Lockeridge to include the printing of the drawing and then further transfer to substrate of Hare, in order to obtain . One would have been motivated to make such a combination because a way for the user to customize their own personalized designs on fabrics would have been obtained, as taught by Hare (Col. 1, lines 13-54 and Col. 2, lines 11-16).

As in Claim 10, Lockeridge teaches the converting of an inputted color image to line drawing form, altering the colors of the zones of the line drawing and printing it on a substrate. While Lockeridge teaches the image conversion, manipulation and reproduction, they fail to show the T-shirt as the substrate as recited in the claims. In the same field of the invention, Hare teaches a printer similar to that of Lockeridge In addition, Hare further teaches a printer capable of reproducing images on a T-shirt substrate (Col. 2, line 30 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Lockeridge and Hare before him at the time the invention was made, to modify the producing a digital line drawing from a digital image fed into the system and printing the line drawing displayed on the terminal onto a substrate taught by Lockeridge to include the printing of the drawing and then further transfer to a tee shirt substrate of Hare, in order to obtain image converstion to line drawing and printing of the drawing for transfer to a tee shirt. One would have been motivated to make such a combination because a way for the user to customize their own personalized tee shirts would have been obtained, as taught by Hare (Col. 1, lines 13-54 and Col. 2, lines 11-16).

8. Claim 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockeridge et al., US Patent 6727906, hereinafter Lockeridge, and Hare, US Patent 4980224 and in further view of Parker US Patent 5756875.

As in Claim 11, Lockeridge and Hare teach the converting of an inputted color image to line drawing form, altering the colors of the zones of the line drawing and printing it on a substrate (See Claim 9 rejection *supra*). While Lockeridge and Hare

teach the image conversion, manipulation and reproduction, they fail to show the transparency as the substrate as recited in the claims. In the same field of the invention, Parker teaches a printer similar to that of Lockeridge and Hare. In addition, Parker further teaches a printer capable of reproducing images, and transferring the printed to a transparency substrate (Col. 5, lines 38-40). It would have been obvious to one of ordinary skill in the art, having the teachings of Lockeridge, Hare and Parker before him at the time the invention was made, to modify the converting of an inputted color image to line drawing form, altering the colors of the zones of the line drawing and printing on a substrate taught by Lockeridge and Hare to include the transfer from the printed image to a transparency substrate of Parker, in order to obtain an altered reproduction of a digital image on a transparency. One would have been motivated to make such a combination because a transparency creation method would have been obtained, as taught by Parker.

Response to Arguments

Applicant's arguments filed 6/8/06 have been fully considered but they are not persuasive.

In response to the applicant's arguments regarding Claims 1 and 4, the examiner disagrees. Lockeridge teaches a printer and means for transferring (ie. printer head, other printer components and/or printer control program) the digital image to a substrate, ie. paper as included as a possible substrate by the applicant's own

specification. The claims have not been written in a way to distinguish the limitations implied by the arguments, ie. transferring to a T-shirt.

In response to the argument regarding Claims 9 and 10, the examiner disagrees. Lockeridge teaches printing the line drawing on paper and Hare teaches transferring a printed drawing to another substrate (see rejections supra). Furthermore, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The applicant merely states "Hare also does not teach or suggest this step." but fails to elablorate.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar picture reproduction and editing techniques using computers.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

WEILUN LO
SUPERVISORY PATENT EXAMINER